



# STATE OF INDIANA

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December 10, 2025

Re: Complaint 25-FC-104  
Pamela Frazee (Complainant) v.  
Tippecanoe County Sheriff's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed May 17, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 21, 2025, requesting a formal response by November 19, 2025. A formal response, submitted by Douglas J. Masson of Hoffman, Luhman & Masson, PC on behalf of Respondent, was received on November 19, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide records, recordings, and bodycam videos of Complainant's arrest. The complaint also references the removal of an email from the email chain by Respondent..

## **ANALYSIS**

The public policy of APRA states that "[p]roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." Indiana Code (IC) 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent's public records during regular business hours. IC 5-14-3-3(a).

APRA contains exceptions-both mandatory and discretionary-to the general rule of disclosure. APRA prohibits a public agency from disclosing certain records unless access is specifically required by state or federal statute or is ordered by a court under the rules of discovery. IC 5-14-3-4(a).

Complainant states that on May 9, 2025, a request for records was made to the Tippecanoe County Sheriff's Office for copies of various communications, phone calls, log records, bodycam video, jail video, emails, texts or internal records regarding Complainant's arrest on August 19, 2022. Respondent denied the request.

Respondent submitted its response and stated that the record request was denied under IC 5-14-3-4(a)(1), which says:

- (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.

Respondent further states that the criminal case was expunged on July 22, 2024, and that IC 35-38-9-1(b) requires that “all records related to the criminal charges” be ordered expunged where a court dismisses criminal charges filed and pending against a person.

Further,

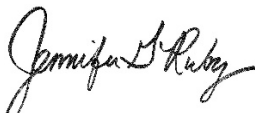
IC 35-38-9-10 (i) An expungement case, and all documents filed in the case, becomes confidential when the court issues an expungement order....

Neither Complainant nor Respondent have taken issue with the validity of the expungement referenced in the response. Respondent has cited IC 5-14-3-4(a)(1) as the exception from disclosure for a confidential record. This office agrees that the expungement is a confidential record that prohibits disclosure by its very nature and that IC 5-14-3-4(a)(1) is the proper disclosure exception.

The complaint also stated that an email was removed from the email chain by Respondent. It appears that the email in question was retracted due to an erroneous statutory citation by Respondent and was replaced by an accurate email citing the basis for the denial of the disclosure of the requested records. This office does not believe that the retraction of the email has any effect on the issue of disclosure of the records as requested.

## **CONCLUSION**

This office finds that the Respondent has not violated APRA by failing to provide copies of confidential records, which are properly excepted from APRA.



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